

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Fixed and Mobile Services in the Mobile)	ET Docket No. 10-142
Satellite Service Bands at 1525-1559 MHz)	
and 1626.5-1660.5 MHz, 1610-1626.5 MHz)	
and 2483.5-2500 MHz, and 2000-2020 MHz)	
and 2180-2200 MHz)	
To: The Commission		

COMMENTS OF THE MSS ATC COALITION

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DBSD North America, Inc. (“DBSD”), Globalstar, Inc. (“Globalstar”), Inmarsat, Inc. (“Inmarsat”), LightSquared Subsidiary LLC (“LightSquared”) and TerreStar Networks, Inc. (“TerreStar”) (collectively, the “MSS ATC Coalition” or the “Coalition”)¹ submit these comments in the above-captioned proceeding.²

INTRODUCTION AND SUMMARY

The MSS ATC Coalition supports the Commission’s dual goals in this proceeding of “creat[ing] opportunities for terrestrial use” in the Mobile Satellite Service (“MSS”) bands while preserving MSS capabilities to “meet public safety, rural connectivity, federal government, and other important needs.”³ MSS plays a unique and valuable role in providing ubiquitous communications, mobility, and redundancy, as evidenced by the services provided by Coalition members, the findings in the *NPRM/NOI*, Commissioners’ separate statements, and international

¹ Members of the Coalition will also be filing separate comments to provide individual views on the issues discussed herein as well as other issues raised in this proceeding.

² See *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz, Notice of Proposed Rulemaking and Notice of Inquiry*, 25 FCC Rcd 9481 (2010) (“*NPRM/NOI*”).

³ *Id.* at 9486 ¶ 9, 9494 ¶ 34.

developments. Affording MSS providers increased flexibility to enable terrestrial services using MSS spectrum, while protecting existing MSS users from interference, will help to achieve these benefits while providing for more efficient spectrum use and additional competition in the mobile wireless services market.

Accordingly, the MSS ATC Coalition supports applying appropriate portions of the secondary market rules and procedures to MSS leasing arrangements for the provision of terrestrial services. At the same time, however, the Commission will not best serve the public interest by assuming that, were spectrum to be returned, the best use of the spectrum could not be by an MSS licensee. It is also premature to consider spectrum fees as an incentive option before Congress has first considered whether to grant authority to the FCC to impose such fees.

BACKGROUND

MSS ATC Coalition members are authorized to provide MSS and, in some cases, Ancillary Terrestrial Component (“ATC”) service, in the 2 GHz S-Band, the L-Band, and the Big LEO Band. Coalition members are:

DBSD. DBSD is developing an advanced next-generation hybrid network in the 2 GHz MSS band. DBSD’s satellite, G1, was launched in 2008 and is capable of supporting voice, data, and/or Internet services on mobile and portable devices throughout the entire United States. DBSD has received ATC authority, and its next generation network will combine both satellite and terrestrial communications capabilities.

Globalstar. Globalstar provides MSS voice and data service in the United States and abroad via non-geostationary-orbit satellites in the Big LEO MSS band. Now in its eleventh year of providing MSS, Globalstar is focused on the development of consumer-oriented satellite devices and services, and it currently provides affordable, high-quality MSS to over 400,000

customers in 120 countries. Launch of Globalstar's second-generation LEO constellation will commence in the fall of 2010.⁴

Inmarsat. Inmarsat has been providing MSS in the L-Band for over 30 years, serving users in the maritime, land and aeronautical sectors. Inmarsat is today providing innovative broadband satellite services to the United States and globally over its Broadband Global Area Network ("BGAN") platform, which utilizes a global fleet of geostationary satellites (including fourth-generation "I-4" class satellites).

LightSquared. LightSquared (formerly SkyTerra Subsidiary LLC) has provided MSS in the L-band since 1996, and offers service in the United States and Canada. LightSquared is developing a next-generation system to provide advanced voice and data services using an ATC architecture. Its next-generation satellites will be an important element in the deployment of a state-of-the art 4G broadband wireless network.

TerreStar. TerreStar is authorized to provide MSS in the United States using spectrum in the 2 GHz S band via TerreStar-I, a geostationary orbit satellite launched in 2009. Utilizing its ATC authority, TerreStar plans to offer reliable and secure satellite-terrestrial mobile voice and data services through next-generation communication networks dedicated to solving critical communication continuity challenges.

⁴ Globalstar's first six second-generation satellites have been shipped to the Baikonur Cosmodrome in Kazakhstan for a scheduled launch on October 19, 2010. See Globalstar Press Release, *Go for Launch – Globalstar Announces Satellite Launch Date* (Sept. 7, 2010), available at http://www.globalstar.com/en/news/pressreleases/press_display.php?pressId=629.

DISCUSSION

I. MSS PROVIDES VALUABLE SERVICES THAT BENEFIT THE PUBLIC AND ADVANCE THE NATIONAL BROADBAND PLAN

The MSS ATC Coalition applauds the Commission for recognizing that MSS provides important and valuable services and must be preserved: “MSS systems can provide communications in areas where it is difficult or impossible to provide communications coverage via terrestrial base stations, such as remote or rural areas and non-coastal maritime regions, and at times when coverage may be unavailable from terrestrial-based networks, such as during natural disasters.”⁵ Indeed, time and again MSS has proven to be the only service infrastructure capable of providing communications during times of crisis. As Commissioner Copps explained:

This proceeding ... serves as a reminder of the critical role that the mobile satellite industry plays in our nation’s communications infrastructure. I am a true believer in the importance of satellites

... [T]he sustainability and redundancy that satellites provide to U.S. national security and public safety cannot be underestimated. I have seen it first-hand. When I traveled to the Gulf Coast in the immediate aftermath of Hurricane Katrina, it was MSS terminals that were the first up-and-running, providing essential connectivity. And earlier this year, we saw the same unparalleled responsiveness and reliability when the FCC deployed a team to Haiti in the wake of the tragic earthquake. These two recent events serve as powerful illustrations of the need to preserve satellite capability⁶

Commissioner Clyburn echoed these sentiments, emphasizing that “the Notice of Inquiry underscores the importance of maintaining MSS to provide services for the needs of public safety and federal government agencies, for rural areas, and for those areas that have suffered

⁵ *NPRM/NOI*, 25 FCC Red at 9482 ¶ 4.

⁶ *Id.* at 9508 (Statement of Commissioner Michael J. Copps).

severe damage during natural disasters,” and the Commission therefore “must ensure that these communications needs continue to be met.”⁷

As Chairman Genachowski noted, “[w]e need both ground-based and satellite-based mobile broadband. And we intend to modify our rules in a way that both expands terrestrial mobile broadband and ensures that America has a robust mobile satellite capability for rural areas and when disaster strikes.”⁸

The importance of MSS communications capability is reflected in the current and planned service offerings of Coalition members. MSS spectrum use provides substantial and numerous benefits that advance the public interest in compelling ways. Indeed, consistent with the priorities of the National Broadband Plan (“NBP”), these offerings include service to rural and remote areas, support for public safety and Federal government agencies, and broadband deployment.⁹ For example:

- Globalstar provides MSS voice and data services throughout the United States and in nearly all areas of the world, including remote areas where terrestrial cellular coverage is poor or non-existent and landline service unavailable. Since 2007, Globalstar’s SPOT Satellite GPS Messenger (“SPOT”) device, a hand-held tracking and emergency messaging unit, has played a critical role in the provision of emergency and safety-of-life services to consumers. During this time, the SPOT has been used to initiate more than 650 rescues in over 50 countries on land and at sea. Globalstar’s second-generation LEO constellation will ensure that Globalstar is positioned to provide reliable, efficient, and effective voice and data services for the long term.
- Inmarsat provides broadband satellite services in the United States and globally to government, public safety, energy, and enterprise users in the maritime, land and aeronautical sectors. Using highly portable and easily deployed “notebook sized” antennas that are one-third the size, weight, and price of traditional Inmarsat terminals, its BGAN platform provides voice and broadband service at speeds of

⁷ *Id.* at 9511 (Statement of Commissioner Mignon L. Clyburn).

⁸ *Id.* at 9507 (Statement of Chairman Julius Genachowski).

⁹ *See* Connecting America: The National Broadband Plan, at 5, 22, 39, 87, 320 (2010) (“NBP”).

almost half a megabit per second. Inmarsat has also launched companion BGAN services for aeronautical and maritime customers, known as SwiftBroadband and FleetBroadband. Inmarsat's I-5 satellites, scheduled for completion in 2014, will offer speeds up to 50 Mbps.

- LightSquared offers a full range of mobile services, including voice, data, facsimile, two-way radio, fleet management and asset tracking services. It is a leader in providing interoperable communications service in the North American market to public safety and government users. LightSquared's next-generation satellites will support communications in a variety of market segments by providing a platform for advanced voice and data services and serve as an important element in the deployment of a state-of-the art broadband wireless network that will offer wholesale services to a wide variety of traditional and new providers of wireless services.

The importance of MSS is also well-recognized abroad, where other countries and the ITU are deeply engaged in licensing and supporting MSS. For example, satellite communications are a core component of the Canadian telecommunications infrastructure and greatly contribute to bringing telecommunications and broadcasting to many dispersed and remote communities. Terrestrial wireless services reach over 90 percent of the Canadian population, but actual coverage remains in the range of 20 percent of the Canadian land mass.¹⁰ As such, mobile satellites provide the only portable communications to all Canadians and to several sectors of the economy having important industrial and government activities in sparsely populated regions of Canada. Industry Canada has taken the position that, if the mobile satellite industry is to succeed in delivering advanced satellite services at affordable prices, the industry needs some flexibility to innovate and improve its service delivery and coverage. Accordingly, several years ago Industry Canada concluded that offering MSS with an integrated ATC would

¹⁰ See Canadian Radio-television and Telecommunications Commission, *Communications Monitoring Report*, July 2010, at 153.

serve the public interest. Industry Canada plans to release shortly a Radio Standard Specification¹¹ and Standard Radio System Plan¹² for the various MSS/ATC bands.

In addition, the European Commission recognized the public interest benefits that could be derived from the operation of MSS systems when it recently created a pan-European allocation for MSS at S band (2 GHz band).¹³ The European Commission noted in particular that MSS systems are able to provide “high speed internet/intranet access, mobile multimedia and public protection and disaster relief” while “improv[ing] coverage of rural areas in the [European] Community, thus bridging the digital divide in terms of geography.”¹⁴ The European Commission’s S Band process sought to: (i) maximize spectrum efficiency through the use of Complementary Ground Components (“CGCs”) (the European equivalent of ATCs); (ii) support the use of satellite as a mode of pan-European communications by aggregating spectrum access rights across the entire EU, and (iii) realize public policy objectives related to consumer benefits, public safety and rural connectivity.

Finally, MSS operators have also consistently expressed a need, both domestically and internationally, for additional spectrum to provide their mobile services, in order to meet the

¹¹ See Industry Canada, Satellite Mobile Earth Stations, Radio Standards Specification 170 (“RSS-170”), Issue 1, Rev. 1, November 6, 1999. Amendments to RSS-170 were considered by the Radio Advisory Board of Canada (RABC) in July 2010 and consensus changes were subsequently submitted to Industry Canada for review.

¹² See Industry Canada, Spectrum and Licensing Policy to Permit Ancillary Terrestrial Mobile Services as Part of Mobile-Satellite Service Offerings, Radio Systems Policy-23 (“RP-23”), May 2004. In conjunction with the proposed amendments to RSS-170 noted above, it is anticipated that Industry Canada will make consequential changes to the technical annex to RP-23.

¹³ European Commission MSS Page, http://ec.europa.eu/information_society/policy/ecomm/current/_european/index_en.htm#MSS.

¹⁴ 2007/98/EC (3).

growing needs of their user base.¹⁵ As a result of this anticipated demand for MSS spectrum, the Member States of the International Telecommunication Union adopted an agenda item (AI 1.25) calling for studies through the Radiocommunication Bureau at the last World Radiocommunication Conference (WRC) 2007.¹⁶ While not yet complete, the current draft report for the upcoming WRC 2012, from ITU-R Study Group 4's Working Party 4C, currently concludes that MSS will need between 240 – 335 megahertz in each direction of additional spectrum by 2020.¹⁷

II. INCREASED TERRESTRIAL FLEXIBILITY WILL HELP REALIZE THE BENEFITS OF MSS, MORE EFFICIENT SPECTRUM USE AND ADDITIONAL COMPETITION

The *NPRM/NOI* seeks comment on ways to “remove regulatory barriers to terrestrial use” in the MSS bands, including by providing additional flexibility “for deploying new mobile broadband services ... in the 2 GHz band” and “increasing terrestrial use of the Big LEO and L-bands.”¹⁸ The MSS ATC Coalition supports affording MSS providers increased flexibility to enable terrestrial services in the MSS bands, provided that existing MSS offerings are protected

¹⁵ *Traffic forecasts and estimated spectrum requirements for the satellite component of IMT 2000 and systems beyond IMT-2000 for the period 2010 to 2020*, Report ITU-R M.2077 (2006) (finding the need for 155 to 193 megahertz of spectrum by 2010 and 335 to 519 megahertz by 2020 for MSS).

¹⁶ *Additional allocations to the mobile-satellite service with particular focus on the bands between 4 GHz and 16 GHz*, WRC Resolution 231 (2007) (calling for studies on possible bands for new MSS allocations to meet the shortfall of spectrum in the Earth-to-space direction of 19-90 megahertz and in the space-to-Earth direction of 144-257 megahertz for the year 2020).

¹⁷ *Traffic forecasts and estimated spectrum requirements for future development of the MSS in the range 4-16 GHz*, Preliminary Draft New Report ITU-R M.[MSS-REQS], Chairman's Report, Annex 13 to Document 4C/522-E (July 21, 2010).

¹⁸ See *NPRM/NOI*, 25 FCC Rcd at 9481 ¶ 1, 9492 ¶ 26.

from interference.¹⁹ This approach will help realize the benefits of MSS while ensuring more efficient spectrum use and additional competition for the benefit of the public.

As a threshold matter, enhanced flexibility to offer terrestrial services in a manner that does not interfere with existing MSS service will help ensure the benefits of MSS are achieved. As the Commission has long recognized, affording MSS providers flexibility to provide terrestrial services “has the advantage of reinforcing the potential public interest benefits of MSS itself,” including “ubiquitous service.”²⁰ Yet, as the NBP has acknowledged, current restrictions on terrestrial use of MSS spectrum “have made it difficult for MSS providers to deploy ancillary terrestrial networks, as well as to establish partnerships with wireless providers or other well-capitalized potential entrants.”²¹ Expanding flexibility will help ensure these benefits are fully realized, provided that flexibility does not interfere with existing MSS offerings.

Moreover, terrestrial use of MSS spectrum can provide a number of direct public interest benefits. First, terrestrial build out in the MSS bands allows deployment of increased network capacity where the demand is greatest, while the presence of ubiquitous satellite coverage ensures service everywhere to anyone who wants it. The addition of terrestrial service in urban areas, where MSS signals are more likely to be obstructed, also will increase the coverage area and service quality of MSS services, enhancing user appeal and augmenting existing mobile terrestrial services. And MSS/ATC networks will allow for the provision of affordable and

¹⁹ It is important to note that, in bands where there is heavy use by incumbent users, such as in the L-Band, measures that would lead to stand-alone terrestrial use outside of an integrated MSS/ATC system could easily lead to insuperable interference issues because of the difficulty of coordinating and integrating satellite and terrestrial services. Accordingly, any such measures should be considered very carefully so as not to create interference to critical services and applications.

²⁰ See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, Report and Order and Notice of Proposed Rulemaking*, 18 FCC Rcd 1962, 1980 ¶ 32 (2003), *recon.*, 18 FCC Rcd 13590 (2003), *further recon.*, 20 FCC Rcd 4616 (2005).

²¹ NBP at 88.

advanced communication services to rural and underserved areas, which also facilitates the Commission's goal of ensuring affordable broadband service for all Americans. Accordingly, MSS/ATC networks will offer additional competition in the wireless services market.

In addition, MSS/ATC services offer public safety personnel and commercial customers the benefit of a ubiquitous, interoperable and redundant MSS/ATC network. For example, in the case of an emergency where traditional terrestrial networks fail or are unreachable, as was the case during and after Hurricane Katrina, MSS/ATC terminals will instantly and seamlessly operate with the satellite network, ensuring that emergency responders and customers have continued and immediate access to vital communications using the same MSS/ATC terminals they carry every day.²²

Indeed, terrestrial use of the MSS bands under existing ATC authority is already providing tangible benefits to the public, and more services are coming on line, as evidenced by Coalition members existing and planned ATC deployments. For example:

- In July 2010, LightSquared signed an eight-year agreement with Nokia Siemens Networks ("Nokia") worth \$7 billion, under which Nokia will deploy, install, operate, and maintain LightSquared's 4G broadband network. This agreement follows on the heels of the commitment by Harbinger Capital Partners Funds, which owns and controls LightSquared, to construct an ATC network to provide coverage to at least 100 million people by December 31, 2012, 145 million people by December 31, 2013, and 260 million people by December 31, 2015.²³ LightSquared has already commenced network design and site acquisition in a

²² See Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations to the Federal Communications Commission, at 10-11 (Jun. 12, 2006), *available at* <http://www.fcc.gov/pshs/docs/advisory/hkip/karrp.pdf> ("[B]oth fixed and mobile satellite systems provided a functional, alternative communications path for those in the storm-ravaged region.") (citation omitted); *see also* SkyTerra Case Study: Statewide Talkgroup on SkyTerra's Network Became the Saving Grace During Katrina (January 6, 2009), *available at* <http://www.skyterra.com/docs/casestudies/katrina.pdf>.

²³ See *SkyTerra Communications, Inc., Memorandum Opinion and Order*, 25 FCC Rcd 3059, 3088-89 ¶ 72, 3098 App. B (IB/OET/WTB 2010) ("*SkyTerra/Harbinger Order*").

number of markets and recently notified the Commission regarding its pre-operational build-out and testing of its authorized ATC facilities.²⁴

- In addition, both DBSD and TerreStar have launched satellites, met their MSS milestones, and received ATC authority – setting the stage for advanced next-generation networks that will combine both satellite and terrestrial communications capabilities. TerreStar has developed an FCC certified integrated cellular/MSS smartphone and plans to offer native IP services with a 4G backbone to cell-phone sized handsets,²⁵ and DBSD’s development efforts have demonstrated the advanced capabilities of MSS/ATC networks offering voice, video, and data services through an array of handsets and mobile devices.²⁶

By enhancing the flexibility of MSS operators through this proceeding, the Commission advances the opportunities for further investment and innovation in the MSS bands.

III. THE COMMISSION SHOULD CONTINUE TO INCLUDE MSS AS AN ELIGIBLE SERVICE IN THE 2GHz MSS SPECTRUM

In the *NPRM/NOI*, the Commission proposes not to assign any 2 GHz spectrum that may be returned from the existing MSS licensees, either through cancellation or surrender of their licenses, to other MSS licensees.²⁷ As explained above, MSS spectrum is rare and MSS spectrum needs are increasing. The Commission should be mindful not to pre-judge the utility of the 2 GHz MSS allocation. Further, globally harmonized spectrum, including most of the 2 GHz MSS allocation, is very difficult to achieve. Global harmonization requires international agreement, usually at one or more World Radiocommunication Conferences, along with several years of study and negotiations. It would be unfortunate to lose any of this nearly unique allocation in the United States, especially to the extent that most of the band is globally

²⁴ See Letter to Marlene H. Dortch from Bruce D. Jacobs and Tony Lin, File Nos. SAT -MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536, SAT-MOD-20031118-00333, SAT-AMD- 20031118-00332, SES-MOD-20031118-01879 (filed June 16, 2010).

²⁵ See *SkyTerra/Harbinger Order*, 25 FCC Rcd at 3078-79 ¶ 35.

²⁶ See, e.g., DBSD Reply Comments, GN Docket Nos. 09-47, 09-51, 09-137 (Nov. 13, 2009).

²⁷ *NPRM/NOI*, 25 FCC Rcd at 9488 ¶ 15.

harmonized.²⁸ Moreover, as explained above, the 2 GHz band is a critical component of future telecommunications network planning in the European Union.²⁹

If the Commission does reach a point where the 2GHz MSS spectrum is available for reassignment, the Commission should consider making the band available to other MSS operators, and not foreclose MSS operators from utilizing a globally harmonized MSS band. In the *NPRM/NOI*, the Commission suggests that there may be substantial delays in any MSS deployments at 2 GHz by other operators because of the requirements for ATC deployment.³⁰ The Coalition does not agree with the Commission's analysis on this point. In some cases, reassigning spectrum to a remaining MSS licensee may be the quickest way to bring wireless broadband services to the public. It is possible that a future 2 GHz MSS licensee under a different business plan could provide service using the existing satellites that have already been deployed by the current licensees. In fact, this would lead to a much faster nationwide deployment than building out a terrestrial network as suggested by the *NPRM/NOI*. In other cases, there may be a compelling reason to continue MSS service to accommodate customers depending on MSS spectrum for national security or public safety purposes. In any case, the Commission should not put itself in a position where it has foreclosed a determination that would benefit the public interest.

²⁸ As noted in the *NPRM/NOI*, currently the 1980-2010 MHz band is allocated to Fixed, Mobile, and Mobile-Satellite (Earth-to-space) on a primary basis and the 2170-2200 MHz band is allocated to the Fixed, Mobile and Mobile-Satellite (space-to-Earth) on a primary basis in the international table for all regions. *NPRM/NOI*, 25 FCC Rcd at 9486 ¶ 10.

²⁹ See *supra* Section I (discussing the 2 GHz band approach in the European Union).

³⁰ *NPRM/NOI*, 25 FCC Rcd at 9488 ¶ 15 n.53.

IV. SECONDARY MARKET RULES SHOULD APPLY TO MSS ATC LEASING ARRANGEMENTS

The *NPRM/NOI* proposes to subject MSS/ATC spectrum leasing arrangements to the general policies and rules that apply to spectrum leasing arrangements involving Wireless Radio Services (the “secondary market” rules).³¹ The MSS ATC Coalition generally supports this proposal, which recognizes that the kinds of terrestrial services that are and will be offered using MSS spectrum “have the potential to expand the services offered in the overall market of mobile terrestrial wireless services and enhance competition in this larger mobile marketplace.”³² Application of secondary market rules will also remove ambiguity as to the appropriate method for notifying the Commission of spectrum manager leasing arrangements involving the terrestrial use of MSS spectrum, thereby increasing regulatory certainty and in turn promoting greater investment in the MSS bands.

In the *NPRM/NOI*, the Commission asked whether there are any aspects of the spectrum leasing policies that should not apply to terrestrial use of MSS spectrum.³³ In particular, the Commission requested comment on whether MSS licensees and potential terrestrial lessees should be permitted to enter *de facto* transfer leasing arrangements. Given the need to carefully coordinate MSS and terrestrial spectrum usage to prevent interference to MSS operations, the MSS ATC Coalition recognizes that a *de facto* lease may raise more complicated interference issues than the spectrum manager leasing mechanism, particularly for bands with heavy traffic from incumbent users, as in the L-Band. While it might be possible for MSS licensees to be able to take advantage of either type of lease arrangement if appropriate safeguards against

³¹ *Id.* at 9491 ¶ 22.

³² *Id.* at 9491 ¶ 21.

³³ *See id.* at 9492 ¶ 24.

interference can be crafted in bands with heavy MSS usage, it is appropriate for the Commission to account for in its adoption of rules, particularly in regard to *de facto* leasing rules, that licensees and lessees are under an obligation to observe all of the Commission's applicable policies and rules, including the obligation to avoid causing harmful interference into existing MSS operations.

V. OTHER ACTIONS ARE PREMATURE

Finally, the *NPRM/NOI* asks whether there are incentives the Commission could apply to maximize the efficient use of MSS spectrum, citing various NBP proposals, including spectrum fees.³⁴ While the NBP has recommended that Congress grant authority to the FCC to impose spectrum fees,³⁵ until Congress considers and speaks to this question, consideration by the Commission is premature. The MSS ATC Coalition also believes that spectrum fees would not be appropriate in this context given the challenges of applying spectrum fees to MSS spectrum, which is internationally coordinated spectrum that may not be a fixed assignment, and involves footprints covering multiple countries.

³⁴ *Id.* at 9493 ¶ 31 & n.83.

³⁵ *See* NBP at 82-83.

CONCLUSION

For the foregoing reasons, the Commission should afford MSS licensees increased flexibility to provide terrestrial services in the MSS bands, provided that existing MSS offerings are protected from interference. In addition, the Commission should apply secondary market rules and procedures to leases involving the terrestrial use of MSS spectrum but decline, at this stage, to consider spectrum fees as an incentive option or predetermine the treatment of cancelled or returned spectrum.

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